

**ENVIRONMENTAL ASSESSMENT FOR THE
GARY SANITARY DISTRICT
13TH AVENUE SANITARY SEWER IMPROVEMENTS FY20,
LAKE COUNTY, GARY, INDIANA
SECTION 219, WRDA 1992, AS AMENDED**

May 2020

U.S. Army Corps of Engineers Chicago
District, Planning Branch
231 South LaSalle Street Suite 1500
Chicago, Illinois 60604

DRAFT FINDING OF NO SIGNIFICANT IMPACT
GARY SANITARY DISTRICT
13TH AVENUE SANITARY SEWER IMPROVEMENTS FY20
THE CITY OF GARY, LAKE COUNTY, INDIANA

The U.S. Army Corps of Engineers, Chicago District (USACE) has conducted an environmental analysis in accordance with the National Environmental Policy Act of 1969, as amended. The draft Environmental Assessment (EA) dated 28 May 2020, for the Gary Sanitary District 13th Avenue Sanitary Sewer Improvements FY20 Project addresses the aging and failing sanitary sewer lines on 13th Avenue between west of Johnson Street and Roosevelt Street in the City of Gary, Lake County, Indiana.

The draft EA, incorporated herein by reference, evaluated various alternatives that would repair or replace currently failing interceptor sanitary sewer infrastructure in the study area. The recommended plan is Alternative 3, excavate and replace the interceptor sanitary sewer and manholes as follows:

- The proposed project would replace the interceptor sanitary sewer and manholes in place. Starting from the downstream manhole, each segment would be excavated, the existing pipe segments and manholes would be removed, and new pipe segments and manholes would be installed. The Gary Sanitary District Lateral Atlas Maps show two connections to the 48-inch section of the interceptor sewer from the north. These laterals were installed in 1918 and 1920, and the area has since been developed into a school and a parking lot. GSD will use dye testing or local CCTV on the 48-inch section of the interceptor sewer to determine if these sections are still active. If the pipe segment has active connections, the laterals would be plugged or temporarily bypassed so they could be connected to the new pipe segment. In addition, the existing inlets along 13th Avenue and the neighborhood sewers to the north and south would need to be reconnected at the manholes. This alternative would have the least impact to existing utilities, would be contained to the utility right-of-way, and would not impact mature trees and sidewalks adjacent to the street.

There were four alternatives considered to address the aging and failing sanitary sewer infrastructure in Gary, Indiana. The alternatives included:

1. No Action Plan - Under this alternative, no changes would be made to upgrade the sanitary sewer system in the area. The existing system would continue to be inadequate for current and future needs. It would likely result in additional sewer failures such as the one that occurred on October 28, 2019 resulting in additional costly emergency repairs.
2. Pipe Bursting – This alternative includes using the pipe bursting trenchless technology for pipe replacement. The existing pipe is broken up and forced outward by a bursting tool. As the bursting tool is pulled through the pipe and forcing the existing pipe outward, it is

also pulling the replacement pipe behind it. The existing concrete pipe can be replaced with the same size High-density polyethylene pipe.

3. **Excavate to Replace Interceptor in Place** – This alternative would replace the existing interceptor sanitary sewer and manholes in place. Starting from the downstream manhole, each segment would be excavated, the existing pipe segments and manholes would be removed, and new pipe segments and manholes would be installed. The Gary Sanitary District Lateral Atlas Maps show two connections to the 48-inch section of the interceptor from the north. These laterals were installed in 1918 and 1920, and the area has since been developed into a school and a parking lot. GSD will use dye testing or local CCTV in the 48-inch section of the interceptor sewer to determine if these taps are still active. If the pipe segment has active connections, the laterals would be plugged or temporarily bypassed so they could be connected to the new pipe segment. In addition, the existing inlets along 13th Avenue and the neighborhood sewers to the north and south would need to be reconnected at the manholes.
4. **Replace Interceptor Parallel to Existing** – This alternative would install the replacement interceptor sanitary sewer and manholes parallel to the existing interceptor. There is an existing Indiana American Water line ranging from 20-inches to 36-inches in close proximity on the north side of the existing interceptor, which would require the new parallel sewer to be constructed on the south side of the existing sewer. This new interceptor would discharge into the same downstream manhole that the existing interceptor discharges into. After the new interceptor installation, the existing interceptor sanitary sewer and manholes would be decommissioned by filling the entire pipe with grout to prevent any future collapses.

For all alternatives, the potential effects were evaluated, as appropriate. A summary assessment of the potential effects of the recommended plan are listed in Table 1 below.

Table 1: Summary of Potential Effects of the Recommended Plan

	Insignificant effects	Insignificant effects as a result of mitigation*	Resource unaffected by action	Positive Effects
Aesthetics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aquatic resources/wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Invasive species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fish and wildlife habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Threatened/Endangered species/critical habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Historic properties	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other cultural resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hazardous, toxic & radioactive waste	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Insignificant effects	Insignificant effects as a result of mitigation*	Resource unaffected by action	Positive Effects
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Land use	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Navigation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Noise levels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socio-economics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental justice	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tribal trust resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Water quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Climate change	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

All practicable and appropriate means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. No compensatory mitigation is required as part of the recommended plan.

Public review of the draft EA and FONSI will be completed on 29 June 2020. All comments submitted during the public review period are responded to in the Final EA and FONSI.

ENDANGERED SPECIES ACT

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, the U.S. Army Corps of Engineers determined that the recommended plan would have No Effect on the following federally listed species or their designated critical habitat: federally endangered Indiana bat (*Myotis sodalis*), piping plover (*Charadrius melodus*), and Karner blue butterfly (*Lycaeides melissa samuelis*), and the threatened northern long-eared bat (*Myotis septentrionalis*), rufa red knot (*Calidris canutus rufa*), Pitcher's thistle (*Cirsium pitcheri*), and Mead's milkweed (*Asclepias meadii*). The U.S. Fish and Wildlife Service (FWS) stated they were not aware of any concerns on this project on 07 January 2020.

Indiana Endangered Species -The project would not affect state-listed threatened or endangered species, or habitat likely to be used by such species. The State of Indiana has been contacted and has concurred with this determination in a letter dated 28 February 2020.

HISTORIC PROPERTIES NOT ADVERSELY AFFECTED:

Pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined that historic properties would not be adversely affected by the recommended plan. The Indiana State Historic Preservation Officer concurred with the determination in a letter dated February 26, 2020. Additionally, the Pokagon Band of Potawatomi and the Miami Tribe of Oklahoma have both responded with letters both dated February 26, 2020 and have offered no objections to the project. However, they have requested

to be contacted should archaeological resources be uncovered during the project. If any archaeological resources are uncovered we will contact the appropriate agencies and Native American parties.

THE CLEAN WATER ACT

Pursuant to Sections 401 and 404 of the Clean Water Act of 1972, as amended, the U. S. Army Corps of Engineers determined that this law does not apply to the proposed infrastructure project since the project does not involve any placement of fill in the Waters of the US.

COASTAL ZONE MANAGEMENT ACT

A determination of consistency with the Indiana Coastal Zone Management program pursuant to the Coastal Zone Management Act of 1972 has been made by the Indiana Department of Natural Resources in a letter dated 18 March 2020. All conditions of the consistency determination shall be implemented in order to minimize adverse impacts to the coastal zone.

All applicable environmental laws have been considered and coordination with appropriate agencies and officials has been completed.

All applicable laws, executive orders, regulations, and local government plans were considered in the evaluation of alternatives. Based on this report, the reviews by other Federal, State and local agencies, Tribes, input of the public, and the review by my staff, it is my determination that the recommended plan would not cause significant adverse effects on the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.

Date

Aaron Reisinger
Colonel, Corps of Engineers
District Commander

GARY SANITARY DISTRICT

**13TH AVENUE SANITARY SEWER IMPROVEMENTS FY20
GARY, INDIANA**

ENVIRONMENTAL ASSESSMENT

May 2020

TABLE OF CONTENTS

DRAFT FINDING OF NO SIGNIFICANT IMPACT	2
SECTION 1 – PURPOSE AND NEED	8
SECTION 2 – ALTERNATIVES, INCLUDING THE RECOMMENDED PLAN	8
SECTION 3 – AFFECTED ENVIRONMENT	10
SECTION 4 – ENVIRONMENTAL CONSEQUENCES	13
SECTION 5 – COORDINATION.....	18
SECTION 6 – REFERENCES.....	24

LIST OF TABLES

Table 1: Demographic information for the City of Gary, Lake County, and the State of Indiana.....	12
Table 2: Environmental Impact Summary.	18

APPENDICES

APPENDIX A – CORRESPONDENCE

APPENDIX B – PROJECT MAP

SECTION 1 – PURPOSE AND NEED

PURPOSE

The proposed sanitary sewer replacement project is in the City of Gary, Lake County, Indiana. The Gary Sanitary District is working with the U.S. Army Corps of Engineers (USACE) to replace aging sewer infrastructure to accommodate the needs of a portion of the City for the next 50 years. The proposed project boundaries for the 13th Avenue Sewer Replacement Project are along the 13th Avenue utility right-of-way from west of Johnson Street to Roosevelt Street. The purpose of this project is to repair or replace approximately 2,030 linear feet of aging and failing 30-inch, 42-inch and 48-inch poured-in-place concrete sanitary sewer and construct new manholes.

NEED FOR ACTION

On October 28, 2019, the sewer system failed at the intersection of 13th Avenue and Garfield Street. A large sinkhole was formed and an emergency repair was needed to prevent sewer overflows, basement backups, and to restore the road. Installed in the 1920's, the existing sewer is severely corroded, crumbling, and beyond its useful life. The new sewer would connect to the existing sewer at the downstream (west) end at a manhole in the intersection of 13th Avenue and Roosevelt Street eastward to west of Johnson Street. The project would also include eight new manholes, existing manhole and pipe removal, dewatering, bypass pumping and pavement repair.

AUTHORITY

The project was authorized under Section 219 of the Water Resources Development Act of 1992, as amended by Section 504 of the Water Resources Development Act of 1996, Section 502 of the Water Resources Development Act of 1999, Section 108 of the Consolidated Appropriations Act of 2001, Section 145 of the Energy and Water Appropriations Act of 2004, and Sections 5075 and 5158 of the Water Resources Development Act of 2007, these amended authorities allow the Army Corps of Engineers to provide planning, design and construction assistance for water-related environmental infrastructure projects.

LOCAL SPONSOR

The project's non-Federal sponsor is the Gary Sanitary District.

SECTION 2 – ALTERNATIVES, INCLUDING THE RECOMMENDED PLAN

There are four alternatives considered to address this infrastructure problem in the City of Gary, Indiana.

- 1. No Action Plan-** Under this alternative, no changes would be made to upgrade the sanitary sewer system in the area. The existing system would continue to be inadequate for current and future needs. It would likely result in additional sewer failures such as the one that occurred on October 28, 2019 resulting in additional costly emergency repairs.
- 2. Pipe Bursting –** This alternative includes using the pipe bursting trenchless technology for pipe replacement. The existing pipe is broken up and forced outward by a bursting tool. As the bursting tool is pulled through the pipe and forcing the existing pipe outward, it is also pulling the replacement pipe behind it. The existing

concrete pipe can be replaced with the same size pipe.

3. **Excavate to Replace Interceptor in Place** – This alternative would replace the interceptor sanitary sewer in place. Starting from the downstream manhole near Roosevelt Street, each segment would be excavated, the existing pipe segments and manholes would be removed, and new pipe segments and manholes would be installed. The Gary Sanitary District Lateral Atlas Maps show two connections to the 48-inch section of the interceptor from the north. These laterals were installed in 1918 and 1920, and the area has since been developed into a school and a parking lot. The GSD would use dye testing or local CCTV in the 48-inch diameter sanitary sewer to determine if these taps are still active. If the pipe segment has active connections, the laterals would be plugged or temporarily bypassed so they could be connected to the new pipe segment. In addition, the existing inlets along 13th Avenue and the neighborhood sewers to the north and south would need to be reconnected at manholes.
4. **Replace Interceptor Parallel to Existing** – This alternative would install the replacement interceptor sanitary sewer parallel to the existing interceptor sanitary sewer. There is an existing Indiana American Water line ranging from 20-inches to 36-inches in close proximity on the north side of the existing interceptor, which would require the new parallel sewer to be constructed on the south side of the existing sewer. This new interceptor would discharge into the same downstream manhole that the existing interceptor discharges into. After the new interceptor installation, the existing interceptor would be decommissioned by filling the entire pipe with grout to prevent any future collapses.

RECOMMENDED PLAN

Excavate to Replace Interceptor in Place – The recommended alternative would replace the interceptor sanitary sewer in place. Starting from the downstream manhole, each segment would be excavated, the existing pipe segments and manholes would be removed, and new pipe segments and manholes would be installed. The Gary Sanitary District Lateral Atlas Maps show two connections to the 48-inch section of the interceptor from the north. These laterals were installed in 1918 and 1920, and the area has since been developed into a school and a parking lot. GSD would use dye testing or local CCTV of the 48-inch sanitary sewer to determine if these taps are still active. If the pipe segment has active connections, the laterals would be plugged or temporarily bypassed so they could be connected to the new pipe segment. In addition, the existing inlets along 13th Avenue and the neighborhood sewers to the north and south would need to be reconnected at the manholes. This alternative would have the least impact to existing utilities and would not impact mature trees, and sidewalks adjacent to the street. An overview of this work is included on the map in Appendix 1.

A contract is expected to be awarded in the fall of 2020. Construction is anticipated to begin in the spring of 2021 with completion anticipated within 12 months.

COMPLIANCE WITH ENVIRONMENTAL PROTECTION STATUTES, EXECUTIVE ORDERS AND REGULATIONS

The proposed action is in full compliance with appropriate statutes, executive orders and regulations, including the National Historic Preservation Act of 1966, as amended, Fish and Wildlife Coordination Act, as amended, Endangered Species Act of 1973, as amended, “federal consistency” as referred in the

Coastal Zone Management Act (CZMA), 16 U.S.C. 1451, 1456 et seq. and implementing regulations at 15 CFR Part 930, Section 10 of Rivers and Harbors Act of 1899, as amended, Clean Air Act of 1963, as amended, National Environmental Policy Act of 1969, as amended, Executive Order 12898 (Environmental Justice), Executive Order 11990 (Protection of Wetlands), Executive Order 11988 (Floodplain Management), and the Clean Water Act of 1972, as amended.

SECTION 3 – AFFECTED ENVIRONMENT

PROJECT AREA

The project area is within the census-designated place of Gary, Calumet Township, Lake County, Indiana. The proposed improvements would take place within the 13th Avenue utility right of way between west of Johnson Street to Roosevelt Street as shown by the map in Appendix B.

AIR AND WATER QUALITY

Air and water quality in the project area are typical of what would be expected in a populated urban area in Northwest Indiana using the U.S. Environmental Protection Agency (USEPA) air quality index (AQI). Most of the impacts to air quality in this area are due to the large number of cars and trucks driven on the extensive road system in this region. Additionally, the Federal Clean Air Act requires the USEPA to set national ambient air quality standards (NAAQS) for six criteria pollutants (carbon monoxide, lead, nitrogen dioxide, particulate matter, ozone, and sulfur oxides) which are considered harmful to public health and the environment. Areas not meeting the NAAQS for one or more of the criteria pollutants are designated as “nonattainment” areas by the USEPA. The proposed project site is in Lake County, IN. The county is classified as nonattainment for 8-hour ozone (2008), categorized as serious, and 8-hour ozone (2015), categorized as marginal.

The project area is on the Calumet Aquifer and its susceptibility to surface contamination is high because there is no clay cap across most of the aquifer (INDNR). However, because Gary residents utilize Lake Michigan as their drinking water supply there are no identified concerns related to aquifer water quality and municipal drinking water.

AQUATIC COMMUNITIES

There are no aquatic communities present in the planned project footprint. The Grand Calumet River is approximately 1.25 miles north of the project area. The Grand Calumet River supports a number of species typical of rivers in Northern Indiana.

TERRESTRIAL COMMUNITIES

Gary provides suitable habitat for common “urban” wildlife species, including fox and gray squirrel, opossum, cottontail rabbit, striped skunk, mice, red fox, bats, and eastern moles. Typical resident birds include English sparrow, starling, robin, herring gull, Canada geese, mallard, pigeon, cardinal, chickadee, red winged blackbird, purple martin, grackle, and blue jay.

Vegetation within the Gary project area contains mowed grass lawns, shrubs, and a variety of tree species including maple, green ash, mulberry, box elder, honey locust, crabapple, and cottonwood.

NATURAL AREAS

There are no notable natural areas within the project area. Norton Park is a small overgrown turf and

wooded area 1,200 feet to the east of the project site. The Grand Calumet riparian corridor is approximately 1.25 miles to the north of the project site. The riparian corridor hosts a variety of plants and wildlife species. The river itself is an important migratory corridor for birds, animals, and fish.

THREATENED AND ENDANGERED SPECIES

The proposed project is within the range of the federally endangered Indiana bat (*Myotis sodalis*), piping plover (*Charadrius melodus*), and Karner blue butterfly (*Lycaeides melissa samuelis*), and the threatened northern long-eared bat (*Myotis septentrionalis*), rufa red knot (*Calidris canutus rufa*), Pitcher's thistle (*Cirsium pitcheri*), and Mead's milkweed (*Asclepias meadii*). There is no habitat for any of these species within the proposed project area. All work would be within the road right-of-way and would not be removing trees or adversely affecting other critical habitat.

ARCHEOLOGICAL AND HISTORIC PROPERTIES

The National Register of Historic Places (NRHP) was queried for listed archaeological and/or historical properties within the project area. Within the project area of potential effect (APE), there are no known archaeological or historical properties.

LAND USE HISTORY

Gary, Indiana was founded in 1906. It is an industrial city known for steel production. This industry and the city have experienced a decline beginning in the mid-1900s, resulting in a shrinking population and an increase in vacant properties. The project area is limited to 13th Avenue, which is predominantly residential.

SOCIAL SETTING

The census-designated place of Gary is home to 75,282 people according to the US Census Bureau 2018 estimate. The median household income is \$30,310. The population of Lake County, IN is 485,493 according to the US Census Bureau 2018 estimate. The median household income is \$54,294. In order to determine if this project disproportionately affects low income and/or minority populations, the Chicago District conducted an evaluation of potential environmental justice impacts using these population groups as criteria.

As defined in Executive Order 12898 and CEQ guidance, a minority population occurs where one or both of the following conditions are met within a given geographic area:

- The American Indian, Alaskan Native, Asian, Pacific Islander, Black, or Hispanic population of the affected area exceeds 50 percent.
- The minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis.

A minority population also exists if more than one minority group is present and the aggregate minority percentage meets one of the above conditions. The selection of the appropriate unit of geographic analysis could be a governing body's jurisdiction, a neighborhood, census tract, or other similar unit. Note that the Hispanic/Latino population is a multi-racial group, which may overlap with other minority groups.

Executive Order 12898 does not provide criteria to determine if an affected area consists of a low-income population. For the purpose of this assessment, the CEQ criteria for defining a minority population has been adapted to identify whether or not the population in an affected area constitutes a low-income

population. An affected geographic area is considered a low-income population (i.e., below the poverty level, for purposes of this analysis) where one or both of the following conditions are met within a given geographic area:

- The poverty rate of the total population is above 50 percent.
- The percentage of individuals in poverty is meaningfully greater than in the general population or other appropriate unit of geographic analysis.

The project area is located within the city limits of Gary, Indiana. The U.S. Census Bureau's American Fact Finder and Quick Facts (U.S. Census Bureau 2020) for Gary, Lake County, and Indiana were reviewed for socioeconomic information presented in **Error! Reference source not found..**

Table 1: Demographic information for the City of Gary, Lake County, and the State of Indiana.

Category	Gary	Lake County	Indiana
Total Population*	75,282	485,493	6,732,219
Under 18 years**	25.0%	23.4%	23.4%
Under 5 years**	7.4%	5.9%	6.3%
White**	14.1%	71.3%	85.1%
Black or African American**	79.8%	24.5%	9.8%
American Indian and Alaska Native**	0.1%	0.6%	0.4%
Asian**	0.2%	1.7%	2.5%
Native Hawaiian and Other Pacific Islander**	0.0%	0.1%	0.1%
Hispanic or Latino**	7.3%	19.4%	7.1%
Two or more races**	2.7%	1.9%	2.1%
High School Graduate or Higher^	85.0%	88.1%	88.6%
Bachelor's Degree or Higher^	13.2%	22.1%	25.9%
Median Household Income^	\$30,310	\$54,249	\$54,325
Below Poverty Level^	33.5%	15.7%	13.1%

* U.S. Census Bureau, Population Estimates Program (PEP)

** Vintage 2018 Population Estimates Program

^ U.S. Census Bureau, American Community Survey

The 79.8% Black or African American population and low medium household income in the project area makes this a minority low income population area. This demographic information was confirmed using the USEPA's environmental justice tool available on their website (<https://www.epa.gov/ejscreen>). This tool identifies environmental justice communities and their associated demographics.

RECREATION

The City of Gary Department of Public Parks maintains many parks within Gary. There are two recreational areas near the project site. Norton Park is located 0.25 miles to the east of the project area and Tolleston Park is situated 0.25 miles to the southwest of the project site.

HAZARDOUS, TOXIC AND RADIOACTIVE WASTE (HTRW) INVESTIGATION

American Structurepoint, Inc has conducted a Phase I Hazardous, Toxic, or Radioactive Waste (HTRW) investigation on behalf of GSD has been conducted for the project area in accordance with ASTM Practice E 1527-13 and USACE Engineer Regulation 1165-2-132. The investigation relies on site reconnaissance, visual observations, interviews with property owners, and a review of reasonably ascertainable environmental records, including database research for regulated facilities and historical maps, to determine the likelihood that the project area contains a recognized environmental condition (REC) or HTRW. Results of the investigation suggest that no known potential environmental issues or RECs exist within the project area. It is unlikely that the project would result in an impact from an existing HTRW condition or cause a release of HTRW during construction.

SECTION 4 – ENVIRONMENTAL CONSEQUENCES

IMPACTS OF NO ACTION PLAN

The “no action” plan would not result in any additional impacts but the current sanitary sewer pipes would remain in poor condition and would likely result in additional pipe failures in the future leaving the City at risk for having to do costly emergency repairs.

IMPACTS OF THE PROPOSED PLAN

SECTION 122, PUBLIC LAW 91-611

Section 122 of Public Law 91-611 identified **17 potential areas** of impact (highlighted in **bold**) that are required to be considered as part of an impact analysis of proposed projects. The proposed plan would not adversely affect **life, health, safety, long term productivity, energy requirements, community cohesion, desirable community growth, tax revenues, property values, public services, or desirable regional growth**. No **farms, people, industry or businesses** would be displaced. Impacts of the remaining 17 potential areas follow:

Social Impacts

Project impacts on **natural resources, made resources, and employment** would be short term temporary impacts. Employment could increase slightly during construction, and the region's labor force should be sufficient to provide the necessary workers. There would be no significant adverse effect to public facilities. During construction, increased traffic congestion would be localized and intermittent. The construction period is anticipated to be less than 12 months. Any aesthetic degradation would be temporary. The project would have no significant adverse impact on human health or welfare or to municipal or private water supplies. The new sanitary sewer piping would reduce the number of pipe failures. Pipe failures can result in roadway damage, and often require emergency construction to fix the broken pipe.

Air Quality Impacts

The proposed action would cause temporary increases in exhaust emissions from machinery and equipment during construction, but would likely result in fewer emergency construction repairs in the future. These impacts would be minimal because of emission and dust controls required by the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, and local restrictions. The Corps of

Engineers specifications (CW-04130 Construction Specifications for Environmental Protection, July 1978) are included in the construction contracts to provide protection for the local environment. Regarding the Clean Air Act, construction and operation of the project would not result in significant or long-term adverse impacts to air quality. The project would involve only a de minimis discharge of airborne pollutants, and is therefore in compliance with the Clean Air Act.

Noise Impacts

The proposed action would cause temporary increases in noise from machinery and equipment during construction. These impacts would be temporary and would not result in significant or long-term adverse impacts. In addition, the project would likely reduce the need to future emergency construction repairs, thereby reducing future noise pollution.

Water Quality Impacts

The project would have a beneficial long-term impact on the quality of water in the community. Replacing the old pipes would result in reduced sewage leakage from the system, thereby protecting area groundwater from contamination.

EXECUTIVE ORDER 11988

Executive Order 11988 (Floodplain Management) - The project would not promote development in the floodplain.

LAKE MICHIGAN COASTAL PROGRAM

This project is located within the state of Indiana's Lake Michigan Coastal Program (LMCP) boundaries. In a letter dated March 18, 2020 the Indiana Department of Natural Resources has determined that this activity is consistent with Indiana's coastal program and is not anticipated to negatively impact the coastal zone.

ENVIRONMENTAL JUSTICE

Executive Order 12898 (Environmental Justice) - An investigation of the Environmental Protection Agency website (April 6, 2020) and as shown by the U.S. Census Bureau data in Table 1, there is a significant minority population near the project area. The project would not have an adverse effect on this low-income population, and would provide a benefit to those living in the project area as it would reduce the number of failures, which often require emergency construction work to make repairs and avoid sewage backups and overflows. The project would also reduce sewage leakage and resulting area contamination.

AQUATIC IMPACTS

Construction of the recommended plan would have no direct or indirect short-term or long-term adverse impacts to aquatic communities. Construction of the recommended plan does not include any in-water work. In addition, the nearest water resource where an aquatic community exists is the Grand Calumet River which is located approximately 1.25 miles north of the project area. Both the USFWS and IDNR were contacted during the scoping process for the proposed project. The USFWS responded in a letter (February 13, 2020) that the recommended plan elicits no endangered species issues. The IDNR responded via letter (February 3, 2020), that they do not anticipate any impacts to state-listed plant species due to construction of the project. In addition, the IDNR stated that impacts to fish, wildlife, and botanical resources, including state-listed animal species should be minimal as a result of the

recommended plan. Since the recommended plan does not include any in-water work that could potentially affect aquatic communities and the project area is located at least 1.25 miles from an aquatic resource, there would be no direct or indirect short-term or long-term adverse impact to aquatic communities within the vicinity of the project area.

EXECUTIVE ORDER 11990

Executive Order 11990 (Protection of Wetlands) – According to the National Wetlands Inventory, there are no wetlands in close proximity to the project. The project would have no impacts on wetlands.

TERRESTRIAL IMPACTS

Construction of the recommended plan would have no direct or indirect short-term or long-term adverse impacts to terrestrial communities. Construction of the recommended plan occurs within already existing utility right of way. Both the USFWS and IDNR were contacted during the scoping process for the proposed project. The USFWS responded in a letter (February 13, 2020) that the recommended plan elicits no endangered species issues. The IDNR responded via letter (February 3, 2020), that they do not anticipate any impacts to state-listed plant species due to construction of the project. In addition, the IDNR stated that impacts to fish, wildlife, and botanical resources, including state-listed animal species should be minimal as a result of the recommended plan. Construction of the recommended plan would have no direct or indirect short-term or long-term adverse impacts to terrestrial communities.

THREATENED AND ENDANGERED SPECIES IMPACTS

Endangered Species Act of 1973 -The project would not affect Federally-listed, threatened, or endangered species, or critical habitat likely to be used by such species. Therefore, the proposed project would have No Effect to these endangered and threatened species. All work would be within the road right-of-way and would not be removing trees or adversely affecting other critical habitat. The U.S. Fish and Wildlife Service has been sent a letter regarding this project and has concurred with this finding in a letter dated February 13, 2020.

Indiana Endangered Species -The project would not affect state-listed threatened or endangered species, or habitat likely to be used by such species. The State of Indiana has been contacted and has concurred with this determination in a letter dated February 28, 2020.

ARCHAEOLOGICAL AND HISTORIC IMPACTS

National Historic Preservation Act of 1966, as amended –No Historic Properties are affected by the proposed project. The Indiana State Historic Preservation Officer concurred with the determination in a letter dated February 26, 2020. The Pokagon Band of Potawatomi and the Miami Tribe of Oklahoma have both responded with letters both dated February 27, 2020 and have offered no objections to the project. However, they have requested to be contacted should archaeological resources be uncovered during the project. If archaeological resources are uncovered during construction of the project the Pokagon Band of Potawatomi and the Miami Tribe of Oklahoma and others would be contacted.

Other Native American groups having an interest in northern Indiana have been consulted (see correspondence section for full listing).

HAZARDOUS, TOXIC AND RADIOACTIVE WASTE (HTRW) INVESTIGATION

In accordance with ER 1165-2-132 Hazardous, Toxic, and Radioactive Waste for USACE Civil Works

projects, construction of civil works projects in HTRW contaminated areas should be avoided where practicable. If HTRW contaminated areas or impacts cannot be avoided during construction, response actions including excess soil management and/or disposal, and treatment, discharge, and/or disposal of groundwater must be coordinated with the Indiana Department of Environmental Management. All HTRW response actions are 100% non-Federal project sponsor expense. Due to the nature of the work activities, the risk of encountering HTRW is low. However, if during construction contamination is encountered the appropriate entities would be contacted and the project would comply with whatever requirements are needed.

CUMULATIVE EFFECTS

ASSESSMENT OF CUMULATIVE EFFECTS

Consideration of cumulative effects requires a broader perspective than examining just the direct and indirect effects of a proposed action. It requires that reasonably foreseeable future impacts be assessed in the context of the past and present effects to important resources. Often it requires consideration of a larger geographic area than just the immediate “project” area. One of the most important aspects of cumulative effects assessment is that it requires consideration of how actions by others (including those actions completely unrelated to the proposed action) have and would affect the same resources. When assessing cumulative effects, the key determinate of importance or significance is whether the incremental effects of the proposed action would alter the sustainability of resources when added to other present and reasonably foreseeable future actions.

Cumulative environmental effects for the proposed infrastructure project were assessed in accordance with guidance provided by the President’s Council on Environmental Quality (USEPA, EPA 315-R-99-002, May 1999). This guidance provides an eleven-step process for identifying and evaluating cumulative effects in NEPA analysis.

The overall cumulative impact of the project is considered to be beneficial environmentally, socially, and economically.

Cumulative Effects Scoping

The cumulative effects issues and assessment goals are established in this environmental assessment, the spatial and temporal boundaries are determined, and reasonably foreseeable future actions are identified. Cumulative effects are assessed to determine if the sustainability of any of the resources are adversely affected with the goal of determining the incremental impact to key resources that would occur should the proposal be permitted. The spatial boundary for the assessment encompasses the parkland and the associated facilities and surrounding streets served by the infrastructures to be improved. The temporal boundaries are:

1. Past-1834, Euro-American settlement and development of the area began.
2. Present-2020, when the selection plan was being developed.
3. Future-2070, the year used for determining project life end

Projecting reasonably foreseeable future actions is difficult at best. Clearly, the proposed action is reasonably foreseeable, however, the actions by others that may affect the same resources are not as clear. Projections of those actions must rely on judgment as to what are reasonable based on existing trends and where available, projections from qualified sources. Reasonably foreseeable does not include unfounded or speculative projections. In this case, reasonably foreseeable future actions include:

1. Increased growth in water consumption and
2. Continued application of environmental requirements such as the Clean Water Act.

Cumulative Effects on geology and soils

The topography and soils of the area has been affected by filling, excavations, construction, and the burial of utilities. The proposed project would not alter soil chemistry.

Cumulative Effects on Water Quality and Aquatic Communities

The project would have no adverse cumulative effects on water quality or aquatic communities in the vicinity of the project area. Long term cumulative adverse impacts to significant resources are not expected to occur. Reduced leakage from the sanitary sewer system are likely to reduce contamination of groundwater.

Cumulative Effect of Terrestrial Resources

Relatively small modifications to the affected environment for this project would have no long-term adverse or cumulative effects to terrestrial resources, plants or animals.

Cumulative Effects on Air Quality

The project would have no long term cumulative adverse effects on air quality.

Cumulative Effects on Land Use

The project would have no cumulative adverse effects on land use.

Cumulative Effects on Aesthetic Values

The project would have no cumulative adverse effects on the visual setting of the project area.

Cumulative effects on Public Facilities

The project is anticipated to have long-term beneficial effects on public facilities by improving the sanitary sewer infrastructure thereby reducing the likelihood of sewer pipe failure.

Cumulative effects on Cultural Resources

This project would have no adverse effects on cultural resources.

Cumulative Effects Summary

Along with direct and indirect effects, cumulative effects of the proposed project were assessed following the guidance provided by the Presidents' Council on Environmental Quality (Table 2). There have been numerous effects to resources from past and present actions, and reasonably foreseeable future actions can also be expected to produce both beneficial and adverse effects. The effects of the proposed project are relatively minor.

Table 2: Environmental Impact Summary.

	Insignificant effects	Insignificant effects as a result of mitigation*	Resource unaffected by action	Positive Effects
Aesthetics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Aquatic resources/wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Invasive species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fish and wildlife habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Threatened/Endangered species/critical habitat	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Historic properties	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other cultural resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hazardous, toxic & radioactive waste	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Land use	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Navigation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Noise levels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socio-economics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmental justice	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tribal trust resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Water quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Climate change	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SECTION 5 – COORDINATION

During preparation of this environmental assessment numerous Federal and state agencies and others were consulted including the U. S. Fish and Wildlife Service (USFWS), Indiana Department of Natural Resources (IDNR), Indiana Department of Environmental Management (IDEM), and the Indiana Department of Natural Resources Division of Historic Preservation and History. The scoping letter along with copies of the respondents’ letters are attached in the Correspondence Section of this assessment.

The public has been notified of the creation of the EA via postings on the district’s webpage and social media(s), local stakeholders informing them, and through their local library branch. The initial and final drafts of this environmental assessment will have been made available on the Chicago District’s project webpage (<https://www.lrc.usace.army.mil/Missions/Civil-Works-Projects/>) for access by the general public.

The following agencies, groups, and individuals received a copy of this environmental assessment:

Mr. David Joe Barrett
 Citizen Potawatomi Executive Council
 1901 S. Gordon Cooper Drive
 Shawnee, OK 74801

Mr. Estavio Elizondo
Kickapoo Tribe of Texas
2212 Rosita Valley Road
Eagle Pass, TX 78852

Mr. Bobb A. Beauchamp
Federal Aviation Administration
Chicago Airports District Office, CHI-ADO-600
2300 E. Devon Avenue
Des Plaines, IL 60018

Forest County Potawatomi Executive Council
P.O. Box 340
Crandon, WI 54520

Ms. Andrea Gromeaux
Indiana Department of Natural Resources
Division of Water
402 W. Washington Street, Rm W264
Indianapolis, IN 46204

Mr. Randy Braun
Indiana Department of Environmental Management
Office of Water Quality/Surface Water, Operations & Enforcement
100 N. Senate Avenue, ICGN 1255
Indianapolis, IN 46204

Mr. Lee Humberg
U.S. Department of Agriculture APHIS Wildlife Services
Purdue University - Smith Hall
901 W. State Street
West Lafayette, IN 47907

Mr. Matt Buffington
Indiana Department of Natural Resources
Division of Fish and Wildlife
402 W. Washington Street, Rm W273
Indianapolis, IN 46204

Ms. Diane Hunter
Miami Tribe of Oklahoma
P.O. Box 1326
Miami, OK 74355

Kickapoo Tribe of Oklahoma
P.O. Box 70
McCloud, OK 74851

Mr. Steve Davis
Indiana Department of Natural Resources
Division of Water
100 N. Water Street
Michigan City, IN 46360

Ms. Hala Kuss
Indiana Department of Environmental Management
Northwest Regional Office
330 W. US Highway 30, Suite F
Valparaiso, IN 46385

Mr. Marty Maupin
Indiana Department of Environmental Management
Office of Water Quality/Surface Water, Operations & Enforcement
100 N. Senate Avenue, Mail Code 61-50
Indianapolis, IN 46204

Ms. Elizabeth McCloskey
U.S Fish & Wildlife Service
Northern Indiana Ecological Services Sub-Office
P.O. Box 2616
Chesterton, IN 46304

Mr. Jon Eggen
Indiana Department of Natural Resources
Division of Water
402 W. Washington Street, Rm W264
Indianapolis, IN 46204

Tribal Chairperson Kenneth Meshigaud
Hannahville Potawatomi Tribal Council
N 14911 Hannahville Rd.
Wilson, MI 49896

Kathryn Vallis
Indiana Department of Natural Resources
Indiana Dunes State Park Annex Office
1600 North 25 East
Chesterton, IN 46304

Mr. William Quackenbush
Ho-Chunk Department of Heritage Preservation
P.O. Box 667
Black River Falls, WI 54615

Nottawaseppi Huron Potawatomi Tribal Office
2224 One-and-a-half Mile Road
Fulton, MI 49052

The Honorable Representative Peter Visclosky
U.S. House of Representatives
7895 Broadway, Suite A
Merrillville, IN 46410

Mr. Doug Nusbaum
Indiana Department of Natural Resources
Division of Fish and Wildlife
402 W. Washington Street, Rm W-273
Indianapolis, IN 46204

The Honorable Representative Peter Visclosky
U.S. House of Representatives
2328 Rayburn Building
Washington, DC 20515

Pokagon Band of Potawatomi Indians
P.O. Box 180
Dowagiac, MI 49047

Prairie Band Potawatomi Tribal Council
16281 Q. Road
Mayetta, KS 66509

The Honorable Senator Todd Young
U.S. Senate
46 East Ohio Street, Suite 462
Indianapolis, IN 46204

Mr. Scott Pruitt
U.S. Fish & Wildlife Service
Bloomington Ecological Services Field Office
620 S. Walker Street
Bloomington, IN 47403

The Honorable Senator Todd Young
U.S. Senate
400 Russell Office Building
Washington, DC 20510

The Honorable Senator Mike Braun
U.S. Senator
United States Senate
B85 Russell Senate Office Building
Washington, D.C. 20510

Chairman Lester Randall
Kickapoo of Kansas
1107 Goldfinch Road
Horton, KS 66439

Mr. Mitchell Zoll
Indiana Department of Natural Resources
Division of Historic Preservation and History
402 W. Washington Street, Rm W274
Indianapolis, IN 46204

Mr. Chad Slider
Indiana Department of Natural Resources
Division of Historic Preservation and History
402 W. Washington Street, Rm W274
Indianapolis, IN 46204

Kathryn Vallis
Coastal Resources Planner
Lake Michigan Coastal Program
Indiana Department of Natural Resources
Indiana Dunes State Park Annex Office
1600 North 25 East
Chesterton, IN 46304

Ms. Christie Stanifer
Indiana Department of Natural Resources
Division of Fish and Wildlife
402 W. Washington Street, Rm W273
Indianapolis, IN 46204

Marianetta Barber
Executive Director
Department of Public Works
401 Broadway, Suite 105
Gary, IN 46402

Mayor Jerome Prince
City of Gary
401 Broadway, Suite 203
Gary, Indiana 46402

Daniel Vicari
Executive Director
Gary Sanitary District
3600 West 3rd Avenue
Gary, IN 46406

Council Member 3rd District Mary Brown
Gary Common Council
401 Broadway Street, Suite 209
Gary, IN 46402

Council Member 4th District Tai Adkins
Gary Common Council
401 Broadway Street, Suite 209
Gary, IN 46402

Diana Morrow
Gary Public Library Director
220 West 5th Avenue
Gary, IN 46402

SECTION 6 – REFERENCES

Indiana Department of Environmental Management (IDEM). 2018. Indiana Integrated Water Monitoring and Assessment Report to the U.S. EPA. Available at: <https://www.in.gov/idem/nps/2647.htm>

U.S. Environmental Protection Agency (USEPA). 2020. Indiana Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants. Available at:
https://www3.epa.gov/airquality/greenbook/anayo_in.html

U.S. Census Bureau. 2020. QuickFacts: Gary, Lake County, Indiana. Available at:
<https://www.census.gov/quickfacts/fact/table/garycityindiana,US/PST045219>

**APPENDIX A -
CORRESPONDENCE**



DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
231 SOUTH LA SALLE STREET, SUITE 1500
CHICAGO IL 60604

January 30, 2020

CELRC-PMD-EF

Dear Recipient,

The U.S Army Corps of Engineers, Chicago District (Corps) will be preparing a National Environmental Policy Act (NEPA) document on the impacts associated with a proposed sewer replacement project in Lake County, Gary, Indiana. The Gary Sanitary District is working with the Corps to replace aging sewer infrastructure to accommodate the needs of the City in the project boundaries for the next 50 years. The project boundaries for the 13th Avenue Sewer Replacement Project are along the 13th Avenue right-of-way from Johnson Street to Roosevelt Street, all located in Gary, Lake County, Indiana (Enclosure 1). The Chicago District has performed a Federal Consistency Determination and is requesting concurrence from the IDNR/LMCP. The proposed activity complies with Indiana's approved coastal management program and will be conducted in a manner consistent with such program.

The proposed project will replace approximately 2,030 linear feet of existing 30-inch, 42-inch and 48-inch poured in place concrete sanitary sewer with a new reinforced concrete (RCP) sewer of the same sizes, in the same location and slope as the existing sewer. On October 28, 2019, the sewer system failed at the intersection of 13th Avenue and Garfield Street. A large sinkhole was formed and an emergency repair was needed to prevent sewer overflows, basement backups, and to restore the road. Installed in the 1920's, the existing sewer is severely corroded, crumbling, and beyond its useful life. The new sewer will connect to the existing sewer at the downstream (west) end at a manhole in the intersection of 13th Avenue and Roosevelt Street east to Johnson Street. The project will also include nine (9) new manholes, existing manhole and pipe removal, dewatering, bypass pumping and pavement repair.

As part of the NEPA scoping process, the Chicago District would appreciate any comments or concerns you might have about any potential impacts from this proposed project. Enclosure 2 is a list of State and Federal Agencies, Tribal Nations and general public receiving this request.

Please provide concurrence or any comments, marking your reply to the attention of Mr. Robbie Sliwinski, U.S. Army Corps of Engineers, 231 South La Salle Street, Suite 1500, Chicago, Illinois 60604, or by email at robbie.sliwinski@usace.army.mil. Questions should be directed to Mr. Sliwinski at (312) 846-5486.

Sincerely,

Susanne J. Davis, P.E.
Chief of Planning Branch

Enclosures

From: [Vallis, Kathryn](#)
To: [DNR Lake Michigan Coastal Program](#)
Subject: [Non-DoD Source] Notice of Application for Federal Consistency Review / Indiana DNR Lake Michigan Coastal Program / ER-22195
Date: Wednesday, February 26, 2020 12:06:23 PM

Good morning,

The following proposal for action has been filed for review under the [Federal Consistency](#) requirement for the Indiana DNR Lake Michigan Coastal Program (LMCP) and has been posted to the LMCP [Federal Consistency Register](#):

Project Number: [ER-22195](#)

Name of Applicant: United States Army Corps of Engineers, Chicago District

Address of Applicant: 231 South La Salle Street, Suite 1500, Chicago, IL 60604

Project Title: 13th Avenue Sewer Replacement Project

Project Description: The Gary Sanitary District is working the U.S. Army Corps of Engineers to replace aging sewer infrastructure along the 13th Avenue right-of-way from Johnson Street to Roosevelt Street.

Location of Project: Gary, Lake County, IN

Public comments for proposed actions are accepted for a period of ten (10) days after notification. Any person who asserts the activity would not meet federal consistency must state with reasonable particularity the state law or laws that would be violated.

Please reference the project number and send any comments, no later than 06 March 2020, to:

Lake Michigan Coastal Program
Division of Nature Preserves
Department of Natural Resources
Indiana Dunes State Park Annex
1600 North 25 East
Chesterton, IN 46304
Electronic mail: coastal@dnr.in.gov

Please send comments to the LMCP or share this notification as is applicable or relevant.

For more information on the LMCP and Federal Consistency, please visit:
[Blockedhttps://www.in.gov/dnr/lakemich/6041.htm](https://www.in.gov/dnr/lakemich/6041.htm).

Thank you,

Kathryn Vallis
Coastal Resources Planner
Indiana Department of Natural Resources
Division of Nature Preserves



Miami Tribe of Oklahoma

3410 P St. NW, Miami, OK 74354 • P.O. Box 1326, Miami, OK 74355
Ph: (918) 541-1300 • Fax: (918) 542-7260
www.miamination.com



Via email: robbie.sliwinski@usace.army.mil

February 27, 2020

Robbie Sliwinski
US Army Corps of Engineers
231 South La Salle St., Suite 1500
Chicago, IL 60604

Re: 13th Avenue Sewer Replacement Project, Gary, Indiana – Comments of the Miami Tribe of Oklahoma

Dear Mr. Sliwinski:

Aya, kikwehsitoole – I show you respect. My name is Diane Hunter, and I am the Tribal Historic Preservation Officer for the Federally Recognized Miami Tribe of Oklahoma. In this capacity, I am the Miami Tribe's point of contact for all Section 106 issues.

The Miami Tribe offers no objection to the above-referenced project at this time, as we are not currently aware of existing documentation directly linking a specific Miami cultural or historic site to the project site. However, as this project is within the aboriginal homelands of the Miami Tribe, if any human remains or Native American cultural items falling under the Native American Graves Protection and Repatriation Act (NAGPRA) or archaeological evidence is discovered during any phase of this project, the Miami Tribe requests immediate consultation with the entity of jurisdiction for the location of discovery. In such a case, please contact me at 918-541-8966 or by email at dhunter@miamination.com to initiate consultation.

The Miami Tribe accepts the invitation to serve as a consulting party to the proposed project. In my capacity as Tribal Historic Preservation Officer I am the point of contact for consultation.

Respectfully,

Diane Hunter

Diane Hunter
Tribal Historic Preservation Officer



Pokégnek Bodéwadmik
POKAGON BAND OF POTAWATOMI
LANGUAGE & CULTURE

2/27/2020

Robbie Sliwinski
USACE
231 S. La Salle St., Suite 1500
Chicago, IL 60604
Phone: 312-846-5486
Email: Robbie.sliwinski@usace.army.mil

USACE – Proposed 13th Ave. Sewer Replacement Project – Lake County,
Gary, Indiana

Dear Responsible Party:

Migweth for contacting me regarding these projects. As THPO, I am responsible for handling Section 106 Consultations on behalf of the tribe. I am writing to inform you that after reviewing the details for the project referenced above, I have made the determination that there will be **No Historic Properties in Area of Potential Effects (APE)** significant to the Pokagon Band of Potawatomi Indians. However, if any archaeological resources are uncovered during this undertaking, please stop work and contact me immediately. Should you have any other questions, please don't hesitate to contact me at your earliest convenience.

Sincerely,

Matthew J.N. Bussler
Tribal Historic Preservation Officer
Pokagon Band of Potawatomi Indians
Office: (269) 462-4316
Cell: (269) 519-0838
Matthew.Bussler@Pokagonband-nsn.gov

Division of Historic Preservation & Archaeology 402 W. Washington Street, W274 Indianapolis, IN 46204-2739
Phone 317-232-1646 Fax 317-232-0693 dhpa@dnr.IN.gov



February 26, 2020

Susanne Davis
Department of the Army
Chicago District, U.S. Army Corps of Engineers
231 South La Salle Street, Suite 1500
Chicago, IL 60604

Federal Agency: U.S. Army Corps of Engineers

Re: Project information concerning the replacement of 2,030 linear feet of existing sanitary sewer on 13th Street
(DHPA #24970)

Dear Ms. Davis:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated January 30, 2020 and received on February 3, 2020 for the above indicated project in Gary, Lake County, Indiana.

Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any historic buildings, structures, districts, or objects listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

In terms of archaeology, no currently known archaeological resources eligible for inclusion in the National Register of Historic Places have been recorded within the proposed project area. No archaeological investigations appear necessary provided that all project activities remain within areas disturbed by previous construction.

If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days. In that event, please call (317) 232-1646. Be advised that adherence to Indiana Code 14-21-1-27 and 29 does not obviate the need to adhere to applicable federal statutes and regulations, including but not limited to 36 C.F.R. 800.

At this time, it would be appropriate for the U.S. Army Corps of Engineers to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Please refer to the following comments for guidance:

- 1) If the U.S. Army Corps of Engineers believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).
- 2) If, on the other hand, the U.S. Army Corps of Engineers finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4(d)(2) and 800.2(d)(2). Thereafter, the U.S. Army Corps of

The DNR mission: Protect, enhance, preserve and wisely use natural, cultural and recreational resources for the benefit of Indiana's citizens through professional leadership, management and education.

www.DNR.IN.gov
An Equal Opportunity Employer

Susanne Davis
February 26, 2020
Page 2

Engineers may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5.

If you have questions about archaeological issues please contact Cathy Draeger-Williams at (317) 234-3791 or cdraeger-williams@dnr.IN.gov. If you have questions about buildings or structures please contact Miriam Burkett at (317) 233-3883 or mburkett@dnr.IN.gov. Additionally, in all future correspondence regarding the above indicated project, please refer to DHPA #24970.

Very truly yours,



Beth K. McCord
Deputy State Historic Preservation Officer

BKM:MLB:CDW:cdw



United States Department of the Interior Fish and Wildlife Service



Indiana Field Office (ES)
620 South Walker Street
Bloomington, IN 47403-2121
Phone: (812) 334-4261 Fax: (812) 334-4273

February 13, 2020

Mrs. Susanne J. Davis
Chief of Planning Branch
Chicago District
U.S. Army Corps of Engineers
231 South LaSalle Street, Suite 1500
Chicago, Illinois 60604

Attn: Mr. John Robbie Sliwinski, Environmental Formulation Section

Dear Mrs. Davis:

This responds to your letter dated January 30, 2020, requesting our comments on a proposed Section 219 environmental infrastructure improvement project in Gary, Lake County, Indiana. The proposed project consists of the replacement of about 2,030 linear feet of existing sewers along West 13th Avenue in Gary.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

The sewer replacement will consist of 30-, 42-, and 48-inch concrete sanitary sewers along West 13th Avenue within an area generally bounded by Roosevelt and Johnson Streets. The existing sewers failed at the 13th Avenue intersection with Garfield Street in October 2019, requiring emergency repairs. Nine new manholes will be included with the project. The work will be entirely along the route of the existing sewers under 13th Avenue, with no new right-of-way required.

ENDANGERED SPECIES

The proposed project is within the range of the Federally endangered Indiana bat (Myotis sodalis), piping plover (Charadrius melodus), and Karner blue butterfly (Lycaeides melissa samuelis), and the threatened northern long-eared bat (Myotis septentrionalis), rufa red knot (Calidris canutus rufa), Pitcher's thistle (Cirsium pitcheri), and Mead's milkweed (Asclepias meadii). There is no habitat for any of these species within the proposed project area. Therefore, we agree that the proposed project is not likely to adversely affect these endangered and threatened species.

This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. However, should new information arise pertaining to project plans or a revised species list be published, please contact us for further coordination.

We appreciate the opportunity to comment at this early stage of project planning. For further discussion, please contact Elizabeth McCloskey at (219) 983-9753 or elizabeth_mccloskey@fws.gov.

Sincerely yours,

/s/ *Elizabeth S. McCloskey*

for Scott E. Pruitt
Supervisor

Sent via email February 13, 2020; no hard copy to follow.

THIS IS NOT A PERMIT

State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Fish and Wildlife
Early Coordination/Environmental Assessment

DNR #: ER-22195

Request Received: February 3, 2020

Requestor: US Army Corps of Engineers, Chicago
District
Robbie Sliwinski
231 South LaSalle Street, Suite 1500
Chicago, IL 60604

Project: 13th Avenue sewer replacement from Johnson Street to Roosevelt Street, City of Gary
County/Site info: Lake

The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969.

If our agency has regulatory jurisdiction over the project, the recommendations contained in this letter may become requirements of any permit issued. If we do not have permitting authority, all recommendations are voluntary.

Regulatory Assessment: Formal approval by the Department of Natural Resources under the regulatory programs administered by the Division of Water is not required for this project.

Natural Heritage Database: The Natural Heritage Program's data have been checked.
To date, no plant or animal species listed as state or federally threatened, endangered, or rare have been reported to occur in the project vicinity.

Fish & Wildlife Comments: The measures below should be implemented to avoid, minimize, or compensate for impacts to fish, wildlife, and botanical resources:

1. Revegetate all bare and disturbed areas with a mixture of grasses (excluding all varieties of tall fescue) and legumes as soon as possible upon completion; low endophyte tall fescue may be used in the ditch bottom and side slopes only.
2. Minimize and contain within the project limits all tree and brush clearing.
3. Do not cut any trees suitable for Indiana bat or Northern Long-eared bat roosting (greater than 5 inches dbh, living or dead, with loose hanging bark, or with cracks, crevices, or cavities) from April 1 through September 30.
4. Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.
5. Plant five trees, at least 2 inches in diameter-at-breast height, for each tree which is removed that is ten inches or greater in diameter-at-breast height.

Contact Staff: Christie L. Stanifer, Environ. Coordinator, Fish & Wildlife
Our agency appreciates this opportunity to be of service. Please contact the above staff member at (317) 232-4080 if we can be of further assistance.



Christie L. Stanifer
Environ. Coordinator
Division of Fish and Wildlife

Date: February 28, 2020



Lake Michigan Coastal Program
Indiana Department of Natural Resources
Dunes State Park Annex Office
1600 North 25 East
Chesterton, IN 46304

11 March 2020

Robbie Sliwinski
Department of the Army
U.S. Army Corps of Engineers, Chicago District
231 South La Salle Street, Suite 1500
Chicago, IL 60604

Re: Initial Determination – 13th Avenue Sewer Replacement from Johnson Street to Roosevelt Street, City of Gary

Dear Mr. Sliwinski:

This letter is in regard to the letter dated 30 January 2020, requesting a Consistency Determination for the 13th Avenue Sewer Replacement from Johnson Street to Roosevelt Street project in the City of Gary, IN (#ER-22195).

We have found in our Initial determination that this project is consistent with the laws of the State of Indiana. This determination indicates that the project as stated conforms to applicable state laws. Please note that upon issuance of this initial determination there is an additional Public Comment Period of five (5) days in duration. We will issue a final determination by 18 March 2020.

Please note that this does not relieve you of the requirement to obtain any applicable local, state, or federal permits.

Should you have any questions regarding this determination please feel free to contact me either via email at kvallis@dnr.IN.gov or via phone at 219-926-9757.

Sincerely,

Kathryn Vallis
Coastal Resources Planner
Lake Michigan Coastal Program
Indiana Department of Natural Resources



Lake Michigan Coastal Program
Indiana Department of Natural Resources
Dunes State Park Annex Office
1600 North 25 East
Chesterton, IN 46304

18 March 2020

Robbie Sliwinski
Department of the Army
U.S. Army Corps of Engineers, Chicago District
231 South La Salle Street, Suite 1500
Chicago, IL 60604

Re: Final Determination – 13th Avenue Sewer Replacement from Johnson Street to Roosevelt Street, City of Gary

Dear Mr. Sliwinski:

This letter is in regard to the letter dated 30 January 2020, requesting a Consistency Determination for the 13th Avenue Sewer Replacement Project from Johnson Street to Roosevelt Street, Gary, IN (#ER-22195).

We have found in our **Final** determination that this project is consistent with the laws of the State of Indiana. This determination indicates that the project as stated conforms to applicable state laws. The reviewers recommend that you follow the instructions in the comments listed in ER-22195, Indiana Department of Natural Resources: Division of Fish and Wildlife Early Coordination/Environmental Assessment.

Please note that this does not relieve you of the requirement to obtain any applicable local, state, or federal permits.

Should you have any questions regarding this determination please feel free to contact me via email at kvallis@dnr.IN.gov.

Sincerely,

Kathryn Vallis
Coastal Resources Planner
Lake Michigan Coastal Program
Indiana Department of Natural Resources

APPENDIX B – PROJECT MAP

**Gary Sanitary District
3600 West 3rd Avenue
Gary, Indiana 46402**

CERTIFIED BY



AMERICAN
STRUCTUREPOINT
INC.

9025 RIVER ROAD, SUITE 200
INDIANAPOLIS, IN 46240
TEL 317.547.5580 FAX 317.543.0270
www.structurepoint.com